

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WESTERN SECTION  
CIVIL ACTION  
NO.: 04-30035-KPN

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KEVIN BALENO and PATRICIA )  
SCUTARI, )  
Plaintiffs )  
v. )  
OFFICER CHARLES RICKO, )  
CHIEF EDWARD CHASE, )  
and the TOWN OF WENDELL, )  
Defendants )  
\_\_\_\_\_  
)

**Affidavit of Caroline Carrithers**

I, *Caroline Carrithers*, do hereby swear and affirm that the following is true and correct:

1. I am counsel for the plaintiffs in the above encaptioned case.
2. I did not learn until May 2004 that the Town of Wendell was not accepting notice of service for defendant Rick because he was no longer employed there.
3. I was unable to affect service during May because I was preparing for a trial that began June 8, 2004, and ended June 14, 2004.
4. I have been diagnosed with adult-onset diabetes which severely restricts the number of hours that I am able to work on any given day.

DATED: July 13, 2004

Signed under pain and penalty of perjury

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Caroline Carrithers  
17 South Street  
Ashfield, Massachusetts 01331  
413 628-4058

**CERTIFICATE OF SERVICE**

This will certify that this document was served upon counsel for defendants Jonathan R. Silverstein, Kopelman & Paige, PC, 31 St. James Avenue, 7<sup>th</sup>. Floor, Boston, Massachusetts 02116, by first class mail on July 13, 2004.

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Caroline Carrithers